

AMENDED IN ASSEMBLY MAY 26, 2005  
AMENDED IN ASSEMBLY APRIL 20, 2005  
AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 647**

**Introduced by Assembly Member Koretz**  
**(Coauthors: Assembly Members Haynes, Karnette, and**  
**Mountjoy)**  
**(Coauthors: Senators Battin, Ducheny, Kuehl, and Margett)**

February 17, 2005

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An act to amend Section 2118 of, and to add ~~Section 2118.1~~  
*Sections 2118.1 and 2188* to, the Fish and Game Code, and to amend  
Section 121790 of the Health and Safety Code, relating to wild  
animals.

### LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Koretz. Wild animals: domestic ferrets.

Existing law prohibits the importation into this state of wild animals specified on a list published by the State Department of Health Services without a permit issued by that department, except that existing law does not authorize the importation, transportation, or possession of live animals enumerated in specified provisions of the Fish and Game Code or regulations of the Fish and Game Commission adopted pursuant thereto. Those existing provisions of the Fish and Game Code prohibit the importation, transportation, possession, or release into this state of certain wild animals without a permit issued by the Department of Fish and Game.

This bill would require the Secretary of the Resources Agency, on or before September 30, 2006, to prepare and complete ~~an~~ a statewide environmental assessment to determine the effects of removing the domestic ferret from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state. This bill would permit the secretary to enter into agreements to utilize existing resources of specific institutions in obtaining scientific data for the assessment, and would require the secretary to provide a copy of the assessment and any related findings to the Legislature and to the Fish and Game Commission.

The bill would require the secretary, within 60 days after the completion of the assessment, to hold a public hearing, and within 30 days of the public hearing, to determine and certify that determination in writing, whether a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, as provided.

The bill would, if the secretary determines that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, allow domestic ferrets to be owned as pets without a permit if the owner of a ferret maintains, and can produce, documentation showing that the ferret has been vaccinated against rabies with a vaccine approved for use in ferrets by the United States Department of Agriculture and administered in accordance with the recommendations of the vaccine manufacturer and if the ferret is spayed or neutered, as specified.

*The bill would prohibit the Department of Fish and Game and any state enforcing officers, as defined, from enforcing the requirements to vaccinate, spay, or neuter a ferret, and would instead permit local animal control agencies to enforce those requirements, if the Secretary of the Resources Agency determines and certifies that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created by the removal of domestic ferrets from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit.*

The bill would provide that specified provisions of the bill would not become operative unless the secretary determines and certifies that

there is insufficient evidence to indicate that a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2118 of the Fish and Game Code is  
2 amended to read:  
3 2118. It is unlawful to import, transport, possess, or release  
4 alive into this state, except under a revocable, nontransferable  
5 permit as provided in this chapter and the regulations pertaining  
6 thereto, any wild animal of the following species:  
7  
8 (a) Class Aves: (birds)  
9 Family Cuculidae (cuckoos)  
10 All Species.  
11 Family Alaudidae (larks)  
12 Skylark, *Alauda arvensis*  
13 Family Corvidae (crows, jays, magpies)  
14 All species.  
15 Family Turdidae (thrushes)  
16 European blackbird, *Turdus merula*  
17 Missel (or mistle), thrush, *Turdus viscivorus*  
18 Family Sturnidae (starlings and mynas or mynahs)  
19 All species of the family, except hill myna (or  
20 hill mynah),  
21 *Gracula religiosa* (sometimes referred to as  
22 *Eulabes religiosa*)  
23 Family Ploceidae (weavers)  
24 The following species:  
25 Spanish sparrow, *Passer hispaniolensis*  
26 Italian sparrow, *Passer italiae*  
27 European tree sparrow, *Passer montanus*  
28 Cape sparrow, *Passer capensis*  
29 Madagascar weaver, *Foudia madagascariensis*  
30 Baya weaver, *Ploceus baya*

- 1 Hawaiian rice bird, *Munia nitoria*
- 2 Red-billed quelea, *Quelea quelea*
- 3 Red-headed quelea, *Quelea erythrops*
- 4 Family Fringillidae (sparrows, finches, buntings)
- 5 Yellowhammer, *Emberiza citrinella*
- 6 (b) Class Mammalia (mammals)
- 7 Order Primata
- 8 All species except those in family Hominidae
- 9 Order Edentata (sloths, anteaters, armadillos, etc.)
- 10 All species.
- 11 Order Marsupialia (marsupials or pouched mammals)
- 12 All species.
- 13 Order Insectivora (shrews, moles, hedgehogs, etc.)
- 14 All species.

- 1 Order Dermoptera (gliding lemurs)
- 2 All species.
- 3 Order Chiroptera (bats)
- 4 All species.
- 5 Order Monotremata (spiny anteaters, platypuses)
- 6 All species.
- 7 Order Pholidota (pangolins, scaly anteaters)
- 8 All species.
- 9 Order Lagomorpha (pikas, rabbits, hares)
- 10 All species, except domesticated varieties of rabbits.
- 11 Order Rodentia (rodents)
- 12 All species, except domesticated golden
- 13 hamsters, also known as Syrian hamster,
- 14 *Mesocricetus auratus*; domesticated ~~raes~~ *varieties* of
- 15 rats or mice (white or albino; trained,
- 16 dancing or spinning, laboratory-reared);
- 17 and domestic strains of guinea pig (*Cavia*
- 18 *porcellus*).
- 19 Order Carnivora (carnivores)
- 20 All species, except domestic dogs (*Canis*
- 21 *familiaris*), domestic cats (*Felis catus*), and domestic
- 22 ferrets (*Mustela furo*) to be owned as pets, if the owner of
- 23 a ferret maintains, and can produce, documentation
- 24 showing that the ferret has been spayed or neutered, if the
- 25 ferret is over the age of six months, and that the ferret has
- 26 been vaccinated against rabies with a vaccine approved for
- 27 use in ferrets by the United States Department of
- 28 Agriculture and administered in accordance with the
- 29 recommendations of the vaccine manufacturer.
- 30 Order Tubulidentata (aardvarks)
- 31 All species.
- 32 Order Proboscidea (elephants)
- 33 All species.
- 34 Order Hyracoidea (hyraxes)
- 35 All species.
- 36 Order Sirenia (dugongs, manatees)
- 37 All species.
- 38 Order Perissodactyla (horses, zebras, tapirs,
- 39 rhinoceroses, etc.)
- 40 All species except those of the family Equidae.

- 1 Order Artiodactyla (swine, peccaries, camels,
- 2 deer, elk, except elk (genus *Cervus*) which are
- 3 subject to Section 2118.2, moose, antelopes,
- 4 cattle, goats, sheep, etc.)
- 5 All species except: domestic swine of the family
- 6 Suidae; American bison, and domestic cattle,
- 7 sheep and goats of the family Bovidae; races
- 8 of big-horned sheep (*Ovis canadensis*) now
- 9 or formerly indigenous to this state.
- 10 Mammals of the orders Primata, Edentata,
- 11 Dermoptera, Monotremata, Pholidota, Tubulidentata,
- 12 Proboscidea, Perissodactyla, Hyracoidea, Sirenia and
- 13 Carnivora, that are restricted for the welfare of the animals,
- 14 except animals of the families Viverridae and Mustelidae
- 15 in the order Carnivora that are restricted because
- 16 those animals, not including domestic ferrets to be owned as pets,
- 17 are undesirable and a menace to native wildlife,
- 18 the agricultural interests of the state, or to the public
- 19 health or safety.
- 20 (c) Class amphibia (frogs, toads, salamanders)
- 21 Family Bufonidae (toads)
- 22 Giant toad or marine toad, *Bufo marinus*
- 23 (d) Class Monorhina (lampreys)
- 24 All species.
- 25 (e) Class Osteichthyes (bony fishes)
- 26 Family Serranidae (bass)
- 27 White perch, *Morone* or *Roccus americana*
- 28 Family Clupeidae (herring)
- 29 Gizzard shad, *Dorosoma cepedianum*
- 30 Family Sciaenidae (croakers)
- 31 Freshwater sheepshead, *Aplodinotus grunniens*
- 32 Family Characidae (characins)
- 33 Banded tetra, *Astyanax fasciatus*
- 34 All species of piranhas
- 35 Family Lepisosteidae (gars)
- 36 All species.
- 37 Family Amiidae (bowfins)
- 38 All species.
- 39 (f) Class Reptilia (snakes, lizards, turtles, alligators)
- 40 Family Crocodilidae

- 1 All species.
- 2 (g) Class Crustacea (crustaceans)
- 3 Genus Cambarus (crayfishes)
- 4 All species.
- 5 Genus Astacus (crayfishes)
- 6 All species.
- 7 Genus Astacopsis (crayfishes)
- 8 All species.
- 9 (h) Class Gastropoda (slugs, snails, clams)
- 10 All species of slugs.
- 11 All species of land snails.
- 12 (i) Other classes, orders, families, genera, and species
- 13 of wild animals which may be designated by the
- 14 commission in cooperation with the Department of Food
- 15 and Agriculture; (1) when the class, order, family, genus,
- 16 or species is proven to be undesirable and a menace to
- 17 native wildlife or the agricultural interests of the state, or
- 18 (2) to provide for the welfare of wild animals.
- 19 (j) Except as expressly authorized in this code, any live
- 20 nonindigenous Atlantic salmon or the roe thereof into the
- 21 Smith River watershed.
- 22 (k) Classes, families, genera, and species in addition to
- 23 those listed in this section may be added to or deleted
- 24 from the above lists from time to time by commission
- 25 regulations in cooperation with the Department of Food
- 26 and Agriculture.

27  
28 SEC. 2. Section 2118.1 is added to the Fish and Game Code,  
29 to read:

30 2118.1. (a) On or before September 30, 2006, the Secretary  
31 of the Resources Agency shall prepare and complete, or arrange  
32 for the preparation and completion of, a statewide environmental  
33 assessment to determine the effects of removing the domestic  
34 ferret from the list of wild animals that are unlawful to import,  
35 transport, possess, or release alive into this state, except under a  
36 revocable, nontransferable permit, issued as provided in Section  
37 121790 of the Health and Safety Code under conditions in which  
38 the ferret has been spayed or neutered, if the ferret is over the age  
39 of six months, and the ferret has been vaccinated against rabies.

1 A domestic ferret shall not be released into the wild as a part of  
2 the environmental assessment.

3 (b) The Secretary of the Resources Agency may enter into an  
4 agreement to utilize existing resources of the Office of Planning  
5 and Research, the California Research Bureau, the University of  
6 California, the California State University, or any similar  
7 institution or combination of those institutions, to assist in  
8 obtaining scientific data for the environmental assessment  
9 described in subdivision (a).

10 (c) The assessment described in subdivision (a) shall take into  
11 account the survey of ferret activity in the states conducted by the  
12 department's 1996–97 Nationwide Ferret Survey of State  
13 Wildlife Agencies, the existing literature relating to the  
14 survivability of ferrets in the wild where predators are present,  
15 the fact that ferrets being removed from the list are spayed or  
16 neutered, if they are over the age of six months, and vaccinated  
17 against rabies, and evidence or estimates of the number of ferrets  
18 already in possession by California residents over the past  
19 decade.

20 (d) Upon completion of the environmental assessment  
21 described in subdivision (a), the Secretary of the Resources  
22 Agency shall do all of the following:

23 (1) Provide a copy of the environmental assessment and any  
24 related findings to the Legislature and the commission.

25 (2) Publish the environmental assessment and any related  
26 findings on the Resources Agency's Internet Web site.

27 (3) Within 60 days after the completion of the environmental  
28 assessment, hold a public hearing to assess whether a significant  
29 risk to California's wildlife would be created if the domestic  
30 ferret, provided that it has been spayed or neutered if the ferret is  
31 over the age of six months and that the ferret has been vaccinated  
32 against rabies, is removed from the list of wild animals that are  
33 unlawful to import, transport, possess, or release alive into this  
34 state, except under a revocable nontransferable permit, as  
35 provided in Section 2118.

36 (e) The Secretary of the Resources Agency, within 30 days  
37 following the hearing under paragraph (3) of subdivision (d),  
38 shall determine, and certify that determination in writing,  
39 whether a significant risk to California's wildlife would be  
40 created if the domestic ferret is removed from the list of wild



1 animals that are unlawful to import, transport, possess, or release  
2 alive into this state, except under a revocable, nontransferable  
3 permit, issued as provided in Section 121790 of the Health and  
4 Safety Code under conditions in which the ferret has been spayed  
5 or neutered, if the ferret is over the age of six months, and has  
6 been vaccinated against rabies.

7 *SEC. 3. Section 2188 is added to the Fish and Game Code, to*  
8 *read:*

9 *2188. If the Secretary of the Resources Agency determines*  
10 *and certifies, pursuant to Section 2118.1, that there is insufficient*  
11 *evidence to indicate that a significant risk to California's wildlife*  
12 *would be created by the removal of domestic ferrets from the list*  
13 *described in Section 2118, the department and any enforcing*  
14 *officer shall not enforce, and instead local animal control*  
15 *agencies may enforce, the prohibition against a person*  
16 *importing, transporting, possessing, or releasing alive into this*  
17 *state, a domestic ferret (Mustela furo) to be owned as a pet,*  
18 *except under a revocable, nontransferable permit, under*  
19 *conditions in which the owner of the ferret maintains, and can*  
20 *produce, documentation showing that the ferret has been spayed*  
21 *or neutered, if the ferret is over the age of six months, and*  
22 *documentation showing that the ferret has been vaccinated*  
23 *against rabies, as provided in Section 121790 of the Health and*  
24 *Safety Code and Section 2118.*

25 ~~SEC. 3.—~~

26 *SEC. 4. Section 121790 of the Health and Safety Code is*  
27 *amended to read:*

28 121790. (a) The department shall publish from time to time a  
29 list of animals that may not be imported into this state except by  
30 permit from the department. Unless a permit is issued pursuant to  
31 this chapter, it is unlawful to import into this state any wild  
32 animal for which a permit is required by the department.

33 (b) A permit shall not be required to import into this state  
34 domestic ferrets to be owned as pets under the following  
35 conditions:

36 (1) The owner of the ferret maintains, and can produce,  
37 documentation showing that the ferret has been vaccinated  
38 against rabies with a vaccine approved for use in ferrets by the  
39 United States Department of Agriculture and administered in

1 accordance with the recommendations of the vaccine  
2 manufacturer.

3 (2) All ferrets over the age of six months shall be spayed or  
4 neutered.

5 (3) Any ferret that is sold or offered for sale in a retail store  
6 shall be spayed or neutered before the sale.

7 *(c) If the Secretary of the Resources Agency determines and*  
8 *certifies, pursuant to Section 2118.1, that there is insufficient*  
9 *evidence to indicate that a significant risk to California's wildlife*  
10 *would be created by the removal of domestic ferrets from the list*  
11 *described in Section 2118, the Department of Fish and Game and*  
12 *any state enforcing officers, as defined in Section 2117 of the*  
13 *Fish and Game Code, shall not enforce the provisions of*  
14 *paragraphs (1), (2), and (3) of subdivision (b). However, local*  
15 *animal control agencies may enforce the provisions of*  
16 *paragraphs (1), (2), and (3) of subdivision (b).*

17 ~~SEC. 4.—~~

18 ~~SEC. 5. Sections 1 and 3~~ 1, 3, and 4 of this act shall not  
19 become operative unless the Secretary of the Resources Agency  
20 determines and certifies, pursuant to subdivision (e) of Section  
21 2118.1 of the Fish and Game Code, that there is insufficient  
22 evidence to indicate that a significant risk to California's wildlife  
23 would be created if the domestic ferret is removed from the list  
24 of wild animals that are unlawful to import, transport, possess, or  
25 release alive into this state, except under a revocable,  
26 nontransferable permit issued pursuant to Section 121790 of the  
27 Health and Safety Code.